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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,505	02/06/2004	Peter D. Almen	6006.20US01	6628

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/773,505

Examiner

Alexandra K. Pechhold

Applicant(s)

ALMEN, PETER D.

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-6, 9, 10 is/are allowed.
- 6) ☒ Claim(s) 7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton (US 5,351,634) in view of Rose (US 4,583,421).** Patton discloses an agricultural implement for being pulled by a powered vehicle (seen in Figs. 5-8), comprising:

- a tow bar assembly (seen as rods 90, 92) wherein the implement is pulled by said powered vehicle (since the machine 20 is pulled behind the tractor as seen in Figs. 5-8);
- a working assembly (seen as machine 20) having a front gang of coulters (seen as forward coulters 24) and a rear gang of coulters (seen as rear set of coulters 26), and
- a pivoting assembly (seen as turnbuckle 96) connecting said tow bar assembly and said working assembly, said pivoting assembly being operable to transfer weight of said working assembly between said front gang of coulters and said rear gang of coulters (see Col 3, lines 49-64).

Furthermore, Patton discloses a frame seen in Fig. 2, and the said working assembly inherent has weight. When the cylinder of Patton is extended, more of the weight of said working assembly is supported by said rear gang of coulters (as shown in Fig. 7), and when said hydraulic cylinder is retracted, more of the weight of said working assembly is supported by said front gang of coulters (as shown in Fig. 8). Patton fails to disclose a hydraulic cylinder connected between the tow bar assembly and the working assembly, since Patton discloses a turnbuckle arrangement on a three point hitch. Rose teaches that it has previously been known to substitute a length adjustable hydraulic cylinder in place of the conventional turnbuckle for the upper arm or middle length of the three-point hitch connection to an implement (Col 1, lines 40-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the turnbuckle on the three point hitch of Patton with a hydraulic cylinder as taught by Rose, since Rose states in column 1, lines 40-49 that it has previously been known to substitute a length adjustable hydraulic cylinder in place of the conventional turnbuckle for the upper arm or middle length of the three-point hitch connection to an implement.

***Allowable Subject Matter***

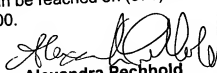
3. Claims 1, 4, 5, 6, 9, and 10 are allowed.
4. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments with respect to claim 7 have been considered but are moot in view of the new grounds of rejection. The applicant argues that the turnbuckle on the 3 point hitch of Patton does not meet the limitation of a hydraulic cylinder in claim 7. In order to set forth a better grounds of rejection to address this limitation, the Examiner is not rejecting claim 7 using Patton in view of the teaching in Rose of It has previously been known to substitute a length adjustable hydraulic cylinder in place of the conventional turnbuckle for the upper arm or middle length of the three-point hitch connection to an implement (Col 1, lines 40-49).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (571) 273-8300.

  
**Alexandra Pechhold**  
**Patent Examiner**  
**Group 3600**

AKP  
6/13/06